REMARKS

Claims 1-13 are pending in the application. Claims 1, 9 and 13 have been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

Applicants have amended Fig. 1 to include the label "Conventional Art" in response to the Examiner's objection to the drawings. Withdrawal of the objection is respectfully requested.

I. REJECTION OF CLAIMS 1-13 UNDER 35 USC §102/103

Claims 1-13 stand rejected under 35 USC §102(e) based on *Wang*[1]. Claims 1-8 and 11-13 stand rejected under 35 USC §102(b) based on *Perlo et al.* Claim 9 is rejected under 35 USC §103(a) based on *Perlo et al.* Withdrawal of each of these rejections is respectfully requested for at least the following reasons.

Initially, applicants wish to thank the Examiner for taking the time to conduct a telephone interview with the applicants' undersigned representative on June 30, 2008. As is noted in the attached figures taken from *Perlo et al.*, *Wang* and the present application, applicants pointed out that neither of the references teach or suggest a radiation cut portion that is a "woven" or "knitted" mesh. The Examiner acknowledged a difference in structure between the present invention and that which is taught in *Perlo et al.* and *Wang*. However, the Examiner indicated that a broad and reasonable interpretation of the terms "woven" or "knitted" mesh as recited in claims 1, 9 and 13 could encompass the teachings of *Perlo et al.* and *Wang*. The Examiner suggested amendments be made to the claims to recite differences in the respective structures.

Accordingly, applicants have amended claims 1, 9 and 13 to recite how the woven or knitted mesh of metal wires in association with the present invention includes

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[1] Applicants note that *Wang* (US App. Pub. No. 2006/0071585 A1) does not appear to have been made of record by the Examiner or the Applicants via Forms PTO-892 or PTO-1449, respectively. Applicants respectfully request that the reference be officially made of record to ensure that the reference appears on the face of any resultant patent.

at least portions of the metal wires "being *bended to form an intertwined structure* having openings" (emphasis added). The Lincoln-log structure of *Perlo et al.* and *Wang* does not constitute metal wires which are bent to form an intertwined structure as recited in the amended claims. Nor does *Perlo et al.* and *Wang* teach or suggest the advantages associated with a structure as recited in claims 1, 9 and 13.

More specifically, Fig. 3 of *Perlo et al.* (attached) illustrates a "Lincoln Log" construction. Microfilaments of the photonic crystal are arranged in stacked layers of microfilaments oriented in a first direction and microfilaments oriented in a second direction perpendicular to the first direction.

Similarly, Figs. 7B-7C in *Wang* (attached) illustrate a "Lincoln Log" construction. (See, e.g., 0057). Although not as easily visualized by cross-sectional Figs. 7B-7C, the rods 145 are arranged in stacked layers of rods oriented in a first direction and rods oriented in a second direction perpendicular to the first direction, similar to *Perlo et al.*

Conversely, Fig. 2 of the present application (attached) illustrates how the radiation cut portion of invention is a woven or knitted mesh in which at least portions of the metal wires are *bended to form an intertwined structure* having openings. The Lincoln Log construction in *Perlo et al.* and *Wang* is not woven or knitted mesh in accordance with the conventional meaning of such term. More specifically, the Lincoln Log structure in no way presents wires which are bended. Even more specifically, the Lincoln Log structure in no way presents wires which are bended to form an intertwined structure. The Lincoln Log structures involves layering of elements in respective orientations. There is no bending to form an intertwined structure.

Applicants note that such differences are significant in that *Perlo et al.* and *Wang* rely on the periodical changes in refractive index within the photonic crystal structure. In the photonic crystal structure, openings in each layer of the stack should be shifted or staggered in propagation direction to form periodical changes in a refractive index.

The present invention utilizes a heat source as the source of radiation, and does not require the woven or knitted mesh as any part of a photonic crystal. The woven or knitted mesh is arranged perpendicular preferably to the propagation direction of electromagnetic energy created by the heat source, and is not part of a structure forming periodic changes in refractive index to along the propagation direction as in *Perlo et al.* and *Wang*.

For at least the above reasons, applicant respectfully request withdrawal of each of the rejections.

II. CONCLUSION

Accordingly, all claims 1-13 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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DATE: July 14, 2008

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Perlo et al.

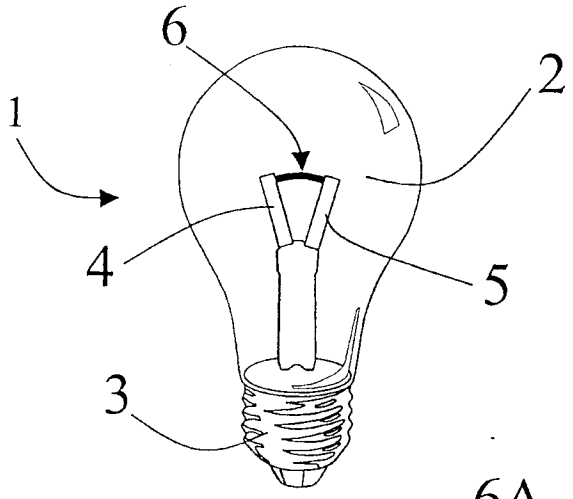

Fig. 1

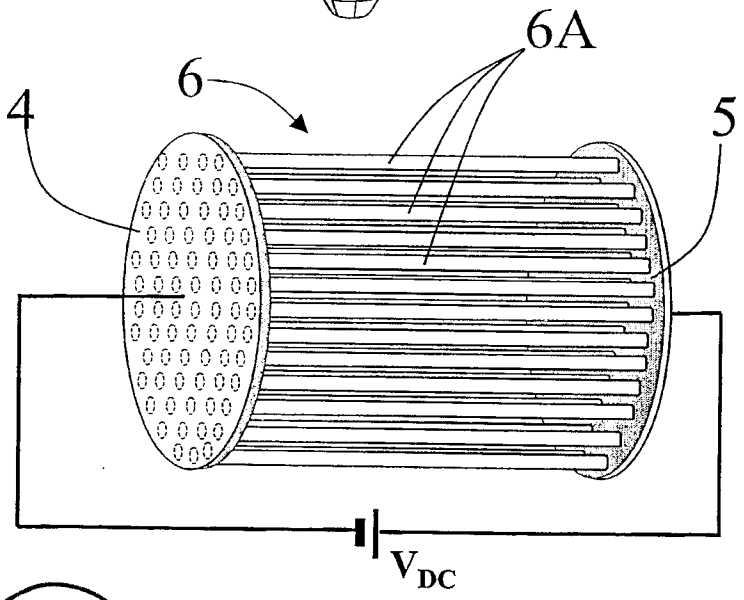

Fig. 2

Lincoln-Log (part of active Photonic structure)

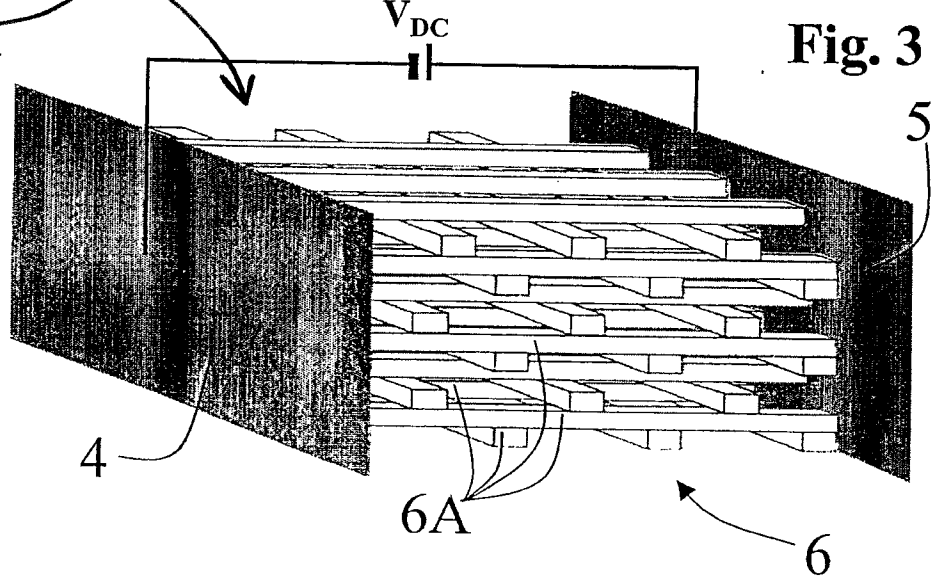

Fig. 3

Wang

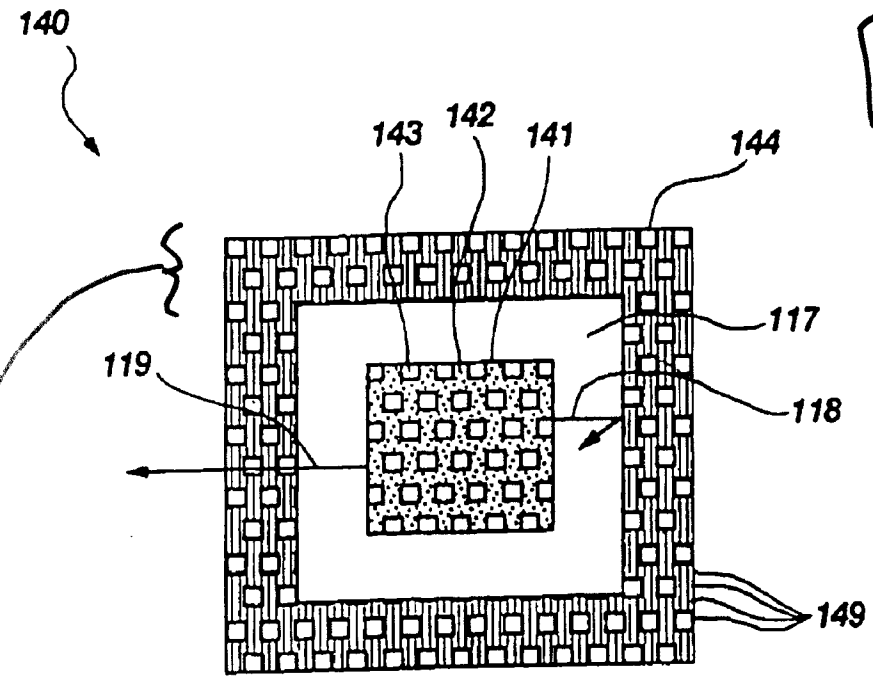

FIG. 7B

Cross-sections 7B and 7C show "Lincoln Log" configuration

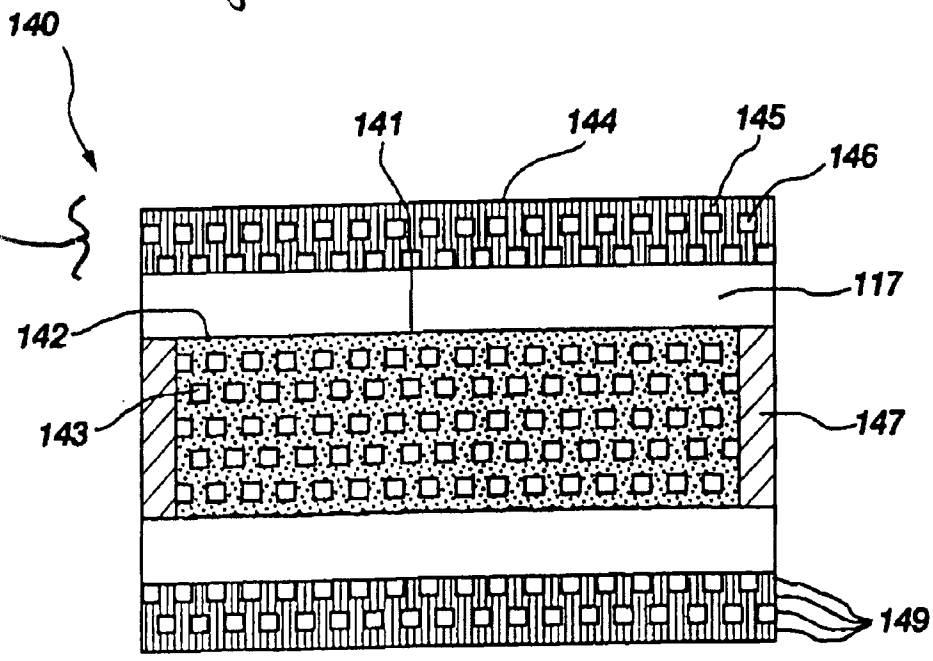

FIG. 7C

FIG. 2

Present App.